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REC'D TN  
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June 11, 2002

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OFFICE OF THE  
EXECUTIVE SECRETARY

**VIA HAND DELIVERY**

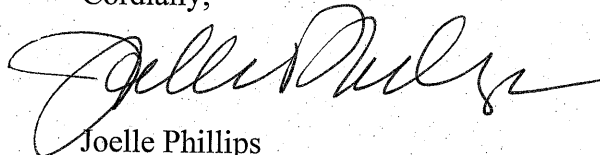
Mr. David Waddell, Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

Re: *Petition of Tennessee UNE-P Coalition to Open a Contested Case Proceeding to  
Declare Switching an Unrestricted Unbundled Network Element*  
Docket No. 02-00207

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's Response to Objections Raised by ASCENT. Copies of the enclosed are being provided to counsel of record.

Cordially,



Joelle Phillips

JP/jej

Enclosure

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**  
**Nashville, Tennessee**

In Re: *Petition of Tennessee UNE-P Coalition to Open a Contested Case Proceeding to Declare Switching an Unrestricted Unbundled Network Element*

Docket No. 02-00207

**BELLSOUTH TELECOMMUNICATIONS, INC.'S**  
**RESPONSE TO OBJECTIONS RAISED BY ASCENT**

BellSouth Telecommunications, Inc. ("BellSouth") files this Motion to Compel responses to its data requests issued to ASCENT, and respectfully shows the Tennessee Regulatory Authority ("TRA") as follows:

On March 1, 2002, ASCENT filed its Petition to Intervene in the above-referenced docket. Following that Petition, BellSouth raised questions regarding whether ASCENT was a proper party to these proceedings, and whether ASCENT could properly participate if it was unable to provide information regarding the specifics of its members and its members' positions related to the issues arising in this docket. In response to BellSouth's questions and BellSouth's objection to intervention, ASCENT alleged in its response to BellSouth's objection that its failure to maintain information on its members, "in no way affects the Association's understanding of those issues of import to its competitive local exchange members, nor its ability to effectively represent its members' interests, regardless of where those members may serve." Response of the Association of Communications Enterprises to BellSouth Telecommunications, Inc.'s Objection to Intervention of Ascent at 3.

On May 24, 2002, BellSouth propounded Data Requests to ASCENT, asking for information regarding its members' positions with respect to issues raised in this docket, including whether ASCENT's members contended that the FCC's local switching exemption, at

issue in this docket, negatively affected competition. In response to the Data Requests, ASCENT filed objections and also stated that it was without knowledge of the position of its member organizations regarding BellSouth's questions and without possession of the information sought regarding any of the questions propounded by BellSouth. ASCENT's response again raises questions about its participation in this docket. It appears clear that if ASCENT is unaware of its members' situations or opinions regarding the matters included in BellSouth's Data Requests, then ASCENT is in no position to represent those members' interests with respect to this docket.

BellSouth files this objection in lieu of a motion to compel as it is clear that ASCENT cannot produce what it does not possess or control. BellSouth wishes to make clear for the record, however, that ASCENT should not be permitted to submit briefs or comments in this docket purporting to discuss issues regarding which it has either declined to provide discovery or as to which its discovery responses indicate it has no factual knowledge. For these reasons, BellSouth respectfully requests that the Hearing Officer prohibit ASCENT from presenting testimony in this docket without first responding to BellSouth's discovery.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: 

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 11, 2002, a copy of the foregoing document was served on counsel for known parties, via the method indicated, addressed as follows:

☐ Hand  
☐ Mail  
☒ Facsimile  
☐ Overnight  
☐ Electronic

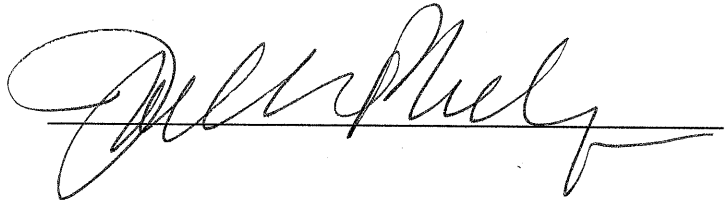
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A handwritten signature in cursive script, appearing to read "Andrew O. Isar", written over a horizontal line.